

# EXHIBIT 8(e)

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2 pretty much what happens in this process, a  
3 tweaking, rather than a massive relook?

4 MR. HARRINGTON: Objection.

5 Q You can answer.

6 A Yes, in general the applicants come  
7 in for much bigger houses in this village, during  
8 the upsurge in the economy, and they generally  
9 are allowed to build as large as they want, but  
10 they have trade-offs with more extensive  
11 landscaping or some retaining walls and that kind  
12 of stuff. But if that's tweaking, that's what  
13 they do.

14 But they are generally not denied  
15 the right to build.

16 Q When you say much larger houses, are  
17 we talking about houses twice the size of the  
18 mythological footprint?

19 A Yes.

20 Q Three times the size?

21 A Yes.

22 Q Four times the size?

23 A Most of these houses are shown at  
24 3,000 footprint at the most, maybe 2800, and  
25 we're getting 6,000 and 8,000 very routinely as

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2 of last year. I don't know this year.

3 Q So it's your testimony that you go  
4 back to the planning board, you tweak it, you  
5 have different landscaping, you may have to do a  
6 little bit more excavation for a driveway or  
7 something like that; that's what it will take to  
8 get the approval?

9 MR. HARRINGTON: Object to the  
10 form.

11 A You may have to do all those things,  
12 and all those things are obviously money.  
13 Usually those changes are in the hundreds of  
14 thousands of dollars, not in the neighborhood of  
15 \$5,000.

16 Q That's when you are talking about  
17 creating something larger than the footprint?

18 A Yes, bigger driveways, bigger walls.

19 Q I assume it would be proportional to  
20 a smaller change?

21 A Sure.

22 Q So you are not talking a hundred  
23 thousand dollars worth of changes on a  
24 ten-percent growth of the footprint?

25 MR. HARRINGTON: Objection.

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2 A Not generally, no.

3 Q Now, you testified earlier as to  
4 intent of the ordinance?

5 A Yes.

6 Q Did you participate in the drafting  
7 of the ordinances?

8 A Yes.

9 Q Could you describe how you  
10 participated?

11 A More in a technical aspect of what  
12 the slopes are and what percentages, et cetera,  
13 but not in the legislative intent of the elected  
14 board of trustees, that was their decision.

15 Q As they were going through making  
16 their decision, were you consulting the  
17 legislators, or were they asking to consult with  
18 you?

19 A The legislators asked that the  
20 planning board and engineer participated in  
21 workshops about the intent of this steep slope  
22 law and what was practical and what was  
23 reasonable expense?

24 Q Do you have any personal knowledge  
25 of the discussions of intent outside the

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1                   P.J. Corless  
2 ordinance's statements of intent?

3                   A         No, I do not. The discussion of  
4 this law went on for a couple of years. It  
5 didn't happen in one round, and I do know that  
6 they sought guidance from other municipalities,  
7 from California to North Carolina to wherever.

8                   Q         You indicated you were at the TAC  
9 meeting this morning?

10                  A         I was, yes.

11                  Q         The map that's before you or the  
12 group of maps, do these drawings represent  
13 substantial similarity to what is still being  
14 presented?

15                  A         Yes.

16                  Q         Was there any specific purpose of  
17 this morning's TAC meeting?

18                  A         Well, the senior partner here was  
19 sent in by his client to request a public hearing  
20 and we spent most of the discussion on procedural  
21 issues.

22                  Q         Getting it on to the agenda?

23                  A         Getting it on to the public hearing,  
24 what maps are required, if he needed additional  
25 one thing or another. But we were not at

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<sup>2</sup> substantive issues this morning.

3                   Q         When you view these maps and the  
4 planning board, if you have any knowledge of how  
5 they view it, and you look at them with these  
6 mythical footprints?

7 A Right.

8                   Q         What is the purpose of even putting  
9     the mythical footprint? Is it your working  
10   assumption that these footprints are not going to  
11   be the end-of-the-day planned houses?

12 MR. HARRINGTON: Objection.

13 Q Do you understand the question?

<sup>14</sup> A Yes, I understand the question.

15 MR. HARRINGTON: Same objection.

16                   A         The planning board wants assurances  
17                   that a house can be built on the lot that's going  
18                   to be created. So to do that, the engineer has  
19                   to create the size of the lot, show it, show a  
20                   building and show a driveway, show the drainage.  
21                   And a lot of that information then is filtered  
22                   down to the amount of run-off for drainage. The  
23                   water and sewer connections are shown on other  
24                   sheets.

25 Q But you are doing this with the

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1                           P.J. Corless  
2 working assumption that you've going to be doing  
3 it again at a later date, or may be doing it  
4 again at a later date?

5                           MR. HARRINGTON: Objection.

6                           A         With various lots.

7                           MR. HARRINGTON: Same objection.

8                           A         My advice to the planning board is  
9 that if this shape of the house was originally  
10 presented to us in the year 2000, by the time it  
11 gets built, and that might be normally three or  
12 four years later, the shape of the house will  
13 probably have changed.

14                          We used to submit houses with 24 by  
15 42 as the standard Rockland County bilevel. Now  
16 they're showing these shapes. If you'll notice,  
17 this shape is the same for every lot. That's  
18 probably highly unlikely that everybody will  
19 build the same house with side-load garages, et  
20 cetera.

21                          So what the applicant's engineer  
22 does is represent a reasonably sized house for  
23 this subdivision that might sell for X dollars,  
24 whatever it is, and that could be built. But as  
25 individual buyers come in they will make changes

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and the builder will accommodate him to the best of his ability, and sometimes that requires going back to change it.

It doesn't make it easy for a track builder, but it's easy for a custom builder, who is more used to a longer process time.

8                   Q        I think I understand. So let me try  
9 to repeat it in a condensed form. You want the  
10 mythological houses so you can do your standard  
11 drainage analysis, water analysis, road analysis  
12 and that kind of stuff?

A Utilities, yes, right.

MR. HARRINGTON: Objection.

15 Q And at that point in time if there  
16 is going to be a steep slope issue on another  
17 design, you deal with all those issues within the  
18 context of that particular lot?

MR. HARRINGTON: Objection.

20 Q Is that correct?

21                   A         That's correct. You'll notice that  
22       all these homes have very small areas indicated  
23       for a deck, and obviously no, quote, in-ground  
24       swimming pools. We get many applications a year  
25       afterwards, someone, the homeowner is in there

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2 now, they're going to put the pool in here or  
3 they're going to put a detached garage up or  
4 they're going to put up a hobby shop. People do  
5 lots of things with these.

6 Q If you put in a pool, would that  
7 require you to go back and do a steep slope  
8 analysis?

9 A You take the original analysis and  
10 that application will be placed against this. If  
11 they are fortunate enough to hire the firm that  
12 has that information, he just puts it on that --

13 Q But it would have to go through the  
14 same process?

15 A Same process, just as if he is  
16 building a house.

17 Q Same thing for a detached garage?

18 A Yes.

19 Q Workshop?

20 A Yes. It's a very rigorous  
21 ordinance.

22 MR. HASPEL: I have nothing  
23 further.

24 MR. HARRINGTON: I just have one  
25 follow up.

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2 CONTINUED EXAMINATION

3 BY MR. HARRINGTON:

4 Q Mr. Corless, regardless of whether  
5 an applicant comes back when final subdivision  
6 approval is granted, say for example in Halley  
7 Estates, if and when it's granted, when that  
8 final plat is approved, the planning board will  
9 have considered, evaluated, all the criteria  
10 under the steep slope law, correct?

11 A Correct.

12 Q And will have issued for those  
13 hypothetical houses a permit for those houses,  
14 correct?

15 A Correct.

16 Q And in the event an individual or a  
17 developer subsequently decides, for whatever  
18 reason, to exceed the size of that hypothetical  
19 house, then he, she or it has to go back to the  
20 planning board for a new steep slope permit?

21 A Modified steep slope permit.

22 Q And they will have to go through the  
23 process that's articulated in the statute?

24 A Yes.

25 Q And the length of that process

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2 depends on the nature of the change, correct?

3 A Yes.

4 MR. HARRINGTON: Thank you.

5 THE WITNESS: You're welcome.

6 (Whereupon, at 2:24 p.m., the  
7 deposition was concluded.)

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11 P. J. CORLESS

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14 Subscribed and sworn to before me

15 this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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18 NOTARY PUBLIC

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1 CERTIFICATION  
23 I, Nancy Anne Flynn, Registered Professional  
4 reporter and a Notary Public in and for the State  
5 of New York, do hereby certify:6 THAT the testimony hereinbefore set forth of  
7 said witness, duly sworn, was recorded by me; and8 THAT the within transcript is a true record  
9 of the testimony given by P.J. CORLESS.10 I further certify that I am not related,  
11 either by blood or marriage, to any of the parties  
12 to this action; and13 THAT I am in no way interested in the outcome  
14 of this matter.15 IN WITNESS WHEREOF, I have hereunto set my  
16 hand this 4th day of April 2008.  
17  
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19  
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21 Nancy Anne Flynn, RPR  
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